

REMARKS

In response to the Office Action mailed January 20, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,223,348 to Hayes et al. ("Hayes") in view U.S. Patent 6,603,420 to Lu ("Lu"). Applicants traverse the rejections as follows.

Applicants have herein amended independent claim 1 to clarify that the device includes "a light source in communication with the processor, wherein the light source is one of an incandescent light and a light emitting diode, wherein the motion detector communicates a signal to the processor, wherein the processor effects the light source to be lit upon receipt of the signal."

Applicants submit that claim 1, as amended, is not obvious in view of Hayes and Lu because the references, either alone or in combination, do not teach or suggest each and every element of claim 1. *See* MPEP § 2142 (stating that one of the elements of a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations").

Hayes is directed to a universal remote control with a releasable readable media storage device. *See* Hayes, col. 1, ll. 5-10. However, Applicants respectfully submit that nowhere does the Hayes reference disclose, among other things, a light source in communication with a processor, as recited in claim 1. Lu is directed toward a remote control device in which movement is detected with the device and utilized to determine entry of a particular command for a function such as volume control or channel selection. *See* Lu, col. 1, ll. 65 to col. 2, ll. 5.

However, Applicants further submit that the Lu reference is of no aid to the Office in establishing a prima facie case of obviousness because it too, like Hayes, fails to teach or suggest, among other things, “a light source in communication with the processor, wherein the light source is one of an incandescent light and a light emitting diode, wherein the motion detector communicates a signal to the processor, wherein the processor effects the light source to be lit upon receipt of the signal,” as claimed in claim 1. Nor did the Office rely on the Lu reference for disclosing or suggesting such a feature.

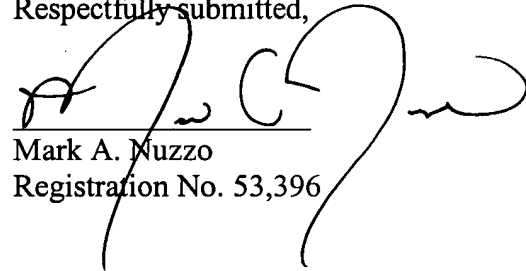
Therefore, Applicants submit that claim 1 is not obvious in view of Hayes and Lu. Further, Applicants submit that claims 2-6, which depend from claim 1, are also nonobvious in view of the references cited in the Office Action. *See* MPEP § 2143.03 (if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious).

Independent claim 7 has also been amended to contain language similar to claim 1. Therefore, for reasons analogous to those set forth previously with respect to claim 1, Applicants submit that independent claim 7, as well as its respective dependent claims, are not obvious over the cited reference. Accordingly, Applicants respectfully request that the § 103 rejections associated with claims 1-9 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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